

## Remarks

Claims 7 and 13-17 are pending.

Claims 7 and 13 are amended.

Claims 14-17 are withdrawn per the examiner's previous action but are herein amended.

Claim 7 is amended to delete compounds of formula III.

The present amendment is done so without prejudice; a continuation application is filed on or about this same date aimed at recapturing the presently deleted subject matter.

Claim 7 is also amended for clarity by deleting the first occurrence of the word "or" from the definition of R<sub>2</sub> and R<sub>3</sub> in the third line following the structure of formula I and by replacing the structures corresponding to fluorene substituents together with the term "anthryl" with the phrase, 2- or 9-fluorenyl, or anthracenyl.

Withdrawn claim 14 is amended to delete all but 6 structures and to include two additional structures. Support is found in examples 35 and 36 on page 42 of the specification.

Withdrawn claims 15-17 are amended to focus the claims on what Applicants consider to be the most important aspects of the instant invention. In claim 15, R<sub>8</sub> and R<sub>9</sub> are phenyl; in claim 16, R<sub>7</sub> is -N(R<sub>8</sub>)<sub>2</sub> and in claim 17, Ar<sub>1</sub> and Ar<sub>2</sub> are naphthyl. The dependence of claim 15 on claim 16 and the dependence of claim 17 on claim 7 are also specified.

No new matter is added.

Claims 7 and 13 are rejected under 35 USC 103(a) as obvious over Jost et.al., U. S. Pat. 4,585,878. Jost generically discloses certain DPP compounds and teaches that they are fluorescent, column 9, line 30. Jost discloses, but does not exemplify compounds where Ar<sub>1</sub> and Ar<sub>2</sub> are naphthyl, phenanthryl or anthracenyl. The instant application contains certain DPP compounds where Ar<sub>1</sub> and Ar<sub>2</sub> are naphthyl, phenanthryl or anthracenyl which are within the generic scope of Jost.

Previously presented data by Applicants demonstrating the surprisingly superior electroluminescence of naphthyl and phenanthryl substituted DPP compounds were deemed insufficient by the Examiner to demonstrate superior/unexpected results commensurate with the scope of the claims. The Examiner states that it would be obvious to make the compounds of Jost for the purposes of Jost, the compounds fluoresce as taught by Jost and the data presented by the Applicants do not show unexpected results when used for the purposes of Jost.

Applicants respectfully request that the Examiner consider the following.

The claimed compounds need not excel over the disclosed compounds in every possible property. Unexpected activity in one of a spectrum of properties could suffice to show patentability (*In re Chupp*, 816 F.2d 643, 2 U.S.P.Q.2d 1437 (Fed. Cir. 1987)). Electroluminescence is not equivalent to fluorescence. While the compounds of Jost may all be fluorescent, the property of electroluminescence is another property within the full spectrum of properties and compounds that demonstrate one property, need not, and significantly in this case, do not demonstrate the other.

Compounds exemplified by Jost were made and tested in Applicants invention and found to be inactive regarding electroluminescence. Applicants refer to a Declaration Under 1.132 by Yamamoto Hiroshi, dated April 19, 2002 which was enclosed with an amendment submitted April 30, 2002 for the present application, a copy of which is enclosed for reference. Note the last sentence of the second full paragraph on page 5 of said declaration, "Compounds C-2 and C-3 showed no electroluminescence." C-2 is the compound of Example 1 in Jost; C-3 is the compound of Example 6 in Jost.

Given that compounds actually made by Jost are not electroluminescent, one would not logically expect that other compounds disclosed in Jost would be electroluminescent. It would therefore not be obvious for one of ordinary skill to further pursue the compounds of Jost for electroluminescence properties regardless of their fluorescence. As the compounds currently claimed have never been made previously and their properties differ significantly from compounds that were exemplified in the art, Applicants respectfully aver that the compounds of the instantly amended application are patentable in light of Chupp cited above.

In light of the amendments and the present discussion, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants believe the above amendments place the claims in condition allowable by the Examiner and kindly request that the Examiner reconsider the rejections of Claims 7 and 13. Applicants further suggest that the evidence included with the previous two amendments, and in the specification, demonstrate that DPP compounds wherein Ar<sub>1</sub> and Ar<sub>2</sub> are naphthyl or other non-phenyl aromatic substituents constitute a class of compounds unto themselves with unexpected and desirable electroluminescent properties that were not suggested in the art. Upon finding claims 7 and 13 allowable, Applicants kindly ask the Examiner to rejoin and allow withdrawn claims 14-17 in their present amended form.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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ENCL: Copy of Declaration Under 1.132 by Yamamoto Hiroshi, dated April 19, 2002.

JAN 13 2005